IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22995 of 2004

Between:

Smt. C. Mamatha, W/o Surya Narayana Reddy,
Kommemarri Village,Peapuly Mandal, Dhone Taluk, Kurnool

District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Nandyal, Kurnool District.
3 The Mandal Revenue Officer, Peapully Mandal, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus to declare the inaction of the 1st respondent in not passing any orders on the stay petition filed by the petitioner along with the appeal as illegal, void and ultravires the provisions of the A.P. State Public Distribution System Control Order, 2001 and consequently set aside the proceedings of the 2nd respondent bearing Rc.B. 1490/2004 dt. 5-11-2004 , and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.J.JANAKIRAMI REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

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Petitioner is a fair price shop dealer of Kommemarri Village, Peapuly Mandal, Kurnool District. On the basis of certain allegations as to short supply of the essential commodities, her authorization was suspended by the 2nd respondent through order, dated 05.11.2004. Petitioner claims to have submitted an appeal before the 1st respondent together with an application for grant of stay. Her grievance is that no orders have been passed so far on the application for stay, and in the meanwhile alternative arrangements are being resorted to.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The authorization of the petitioner was suspended by alleging certain irregularities. Petitioner availed the remedy of appeal. The truth or otherwise of the allegations against the petitioner needs to be considered in the appeal. Petitioner filed an application for grant of stay. Unless appropriate orders are passed in the application for stay, the purpose of preferring the appeal is likely to be defeated.

Prima facie, this Court does not find that the allegations against the petitioner are so serious as to warrant suspension. In that view of the matter, the writ petition is disposed of directing that the order, dated 05.11.2004, passed by the 2nd respondent, shall remain stayed till the 1st respondent disposes the appeal preferred by the petitioner. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 13th December, 2004

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1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Nandyal, Kurnool District.
3 The Mandal Revenue Officer, Peapully Mandal, Kurnool District.

4.2CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad(OUT).

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